

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:22-CR-101
)
HOWARD LEE WALLACE)

ORDER

This matter is before the Court on United States Magistrate Judge Cynthia R. Wyrick's Report and Recommendation [Doc. 189], in which Judge Wyrick recommends the Court accept Defendant's guilty plea to a lesser included offense of Count One of the Indictment (conspiracy to distribute 5 grams or more of methamphetamine in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(B)) [Doc. 3], adjudge him guilty of that charge, and order that he remain in custody pending his sentencing hearing. Neither party has objected to the report and recommendation. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b).

Having reviewed the record, the Court agrees with Judge Wyrick's recommendation. The Court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59(b). For the reasons in the report and recommendation, which the Court adopts and incorporates into this Order, the Court **ACCEPTS** Defendant's guilty plea, and Defendant is hereby **ADJUDGED** guilty of the lesser included offense of Count One of the Indictment. The Court will defer a decision as to whether to accept or reject the Plea Agreement [Doc. 165] until after it has received a presentence investigation report from the United States Probation Office. Defendant **SHALL** remain in custody pending his sentencing hearing.

So ordered.

ENTER:

s/J. RONNIE GREER

UNITED STATES DISTRICT JUDGE